

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARCHWAY INSURANCE SERVICES, LLC : CIVIL ACTION
: NO. 09-2711
v. :
: :
JAMES RIVER INSURANCE COMPANY :
:

ORDER

AND NOW, this 21st day of September, 2010, in consideration of defendant's motion for summary judgment, plaintiff's response and defendant's reply, it is ORDERED that defendant's motion is GRANTED IN PART and DENIED IN PART as follows:

- 1) Defendant's motion for summary judgment with respect to plaintiff's claim of unjust enrichment is GRANTED and judgment is ENTERED in favor of defendant and against plaintiff on that count;
- 2) Defendant's motion for summary judgment with respect to plaintiff's claim of conversion is GRANTED and judgment is ENTERED in favor of defendant and against plaintiff on that count;
- 3) Defendant's motion for summary judgment is GRANTED insofar as plaintiff seeks to recover the premium paid in consideration of its medical professional liability insurance and judgment is ENTERED in favor of defendant and against plaintiff on that claim;
- 4) In all other respects, defendant's motion for summary judgment is DENIED.

It is FURTHER ORDERED that the parties submit simultaneous briefs no later than October 25, 2010 addressing what amount of the insurance premium paid by Ardsley to defendant was consideration for the medical professional liability insurance. If discovery is

necessary, it should be concluded by October 18, 2010.

If the parties believe a settlement conference before Judge Restrepo might be productive they should contact my chambers (215-597-2750) promptly.

/s/ THOMAS N. O'NEILL, JR.
THOMAS N. O'NEILL, JR., J.